

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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**BOTTA ANGELI, L.L.C.**

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*Attorneys for Defendant,*

*Borough of Emerson*

EMERSON DEVELOPERS URBAN  
RENEWAL, L.L.C.,

Plaintiffs,

vs.

THE BOROUGH OF EMERSON NEW  
JERSEY, AND DANIELLE DIPAOLO,

Defendants.

Civil Action No.: 2:20-cv-0478  
(MCA-MAH)

Civil Action

**NOTICE OF MOTION TO DISMISS**

To: JOSEPH B. FIORENZO, ESQ.  
DAVID W. PHILLIPS, ESQ.  
SILLS CUMMIS & GROSS P.C.  
The Legal Center  
One Riverfront Plaza  
Newark, New Jersey 07102

Richard Malagiere (RM-3991)  
Leonard E. Seaman (LES-4799)  
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**PLEASE TAKE NOTICE THAT** that the undersigned attorneys for Defendant, Borough of Emerson, will move this Court before Honorable Madeline Cox Arleo, U.S.D.J. at the United States District Courthouse for the District of New Jersey, M.L. King Jr. Federal Bldg. & US Courthouse, 50 Walnut Street, Newark, New Jersey 07102, on August 17, 2020, or a date to be set by the Court, for an Order dismissing Plaintiff's Complaint pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief may be granted and for such other and further relief as the Court may deem proper in the circumstances.

**PLEASE TAKE FURTHER NOTICE** that the undersigned shall rely upon the Brief, Certification of Counsel, and Certificate of Service attached hereto in support of said application. A proposed form of Order is annexed hereto.

**BOTTA ANGELI, L.L.C.**

*Attorneys for Defendant,  
Borough of Emerson*

By /s/ Christopher C. Botta  
Christopher C. Botta [#031561992]

Dated: July 20, 2020